



Public Service Pensions Act 2013

2013 CHAPTER 25

Governance

5 Pension board

(1) Scheme regulations for a scheme under section 1 must provide for the establishment of a board with responsibility for assisting the scheme manager (or each scheme manager) in relation to the following matters.

(2) Those matters are—

- (a) securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it;
- (b) securing compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;
- (c) such other matters as the scheme regulations may specify.

[^{F1}(2A) Subsection (1) does not apply to a scheme under section 1 if—

- (a) the scheme is connected with another scheme under section 1, and
- (b) a pension board is provided for under subsection (1) in scheme regulations for that other scheme.]

(3) In making the regulations the responsible authority must have regard to the desirability of securing the effective and efficient governance and administration of the scheme and any connected scheme.

(4) The regulations must include provision—

- (a) requiring the scheme manager—
 - (i) to be satisfied that a person to be appointed as a member of the board does not have a conflict of interest, and
 - (ii) to be satisfied from time to time that none of the members of the board has a conflict of interest;
- (b) requiring a member of the board, or a person proposed to be appointed as a member of the board, to provide the scheme manager with such information as

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013, Section 5. (See end of Document for details)

- the scheme manager reasonably requires for the purposes of provision under paragraph (a);
- (c) requiring the board to include employer representatives and member representatives in equal numbers.
- (5) In subsection (4)(a) “conflict of interest”, in relation to a person, means a financial or other interest which is likely to prejudice the person's exercise of functions as a member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme).
- (6) In subsection (4)(c)—
- (a) “employer representatives” means persons appointed to the board for the purpose of representing employers for the scheme and any connected scheme;
- (b) “member representatives” means persons appointed to the board for the purpose of representing members of the scheme and any connected scheme.
- (7) Where the scheme manager of a scheme under section 1 is a committee of a local authority, the scheme regulations may provide for that committee also to be the board for the purposes of this section.
- (8) In this Act, a board established under this section is called a “pension board”.
- (9) This section does not apply to a scheme under section 1 which is an injury or compensation scheme.

Textual Amendments

- F1** S. 5(2A) inserted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), ss. 95\(3\), 131\(1\)\(2\)\(f\)](#)
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Commencement Information

- I1** S. 5 in force at 28.2.2014 for specified purposes by [S.I. 2014/433, art. 3\(2\)\(b\)](#)
- I2** S. 5 in force at 1.4.2014 for specified purposes by [S.I. 2014/839, art. 2\(2\)\(b\)\(3\)](#)
- I3** S. 5 in force at 1.4.2015 for specified purposes by [S.I. 2014/1912, art. 3\(1\)\(2\)](#)
- I4** S. 5 in force at 1.4.2015 for specified purposes by [S.I. 2015/4, art. 2\(1\)\(2\)\(b\)](#)

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